

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE: BARD IVC FILTERS : No. 2: 15-MD-02641- DGC
PRODUCTS LIABILITY LITIGATION : :
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: : **MOTION TO SUBSTITUTE PARTY**
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THIS DOCUMENT RELATES TO:

Zachary MacDonald, Geoffrey MacDonald as Temporary Guardian of Zachary MacDonald, and Geoffrey MacDonald and Lauren Rowntree as Proposed Conservators of Zachary MacDonald v. C.R. Bard, Inc., et al.

Case Number 2:16-cv-02634-DGC

MOTION TO SUBSTITUTE PARTY

Counsel, pursuant to Rule 25(b) of the Federal Rules of Civil Procedure, moves this court for an order substituting Geoffrey MacDonald and Lauren Rowntree on behalf of Zachary MacDonald, as the Plaintiff in this action.

1. Zachary MacDonald, Geoffrey MacDonald as Temporary Guardian of Zachary MacDonald, and Geoffrey MacDonald and Lauren Rowntree as Proposed Conservators of Zachary MacDonald filed this products liability lawsuit against defendants on August 4, 2016 (Second Amended Master Short Form Complaint). As the Conservatorship proceeding was pending, this matter was commenced by Geoffrey MacDonald and Lauren Rowntree, as Proposed Conservators as well as by Geoffrey

MacDonald, as Temporary Guardian of Zachary Mac Donald, and Zachary McDonald.

2. Subsequently, Geoffrey MacDonald and Lauren Rowntree were appointed as Conservators of Zachary MacDonald pursuant to G.L.c. 190B, Section 5-401 by order of the Probate and Family Court of the Commonwealth of Massachusetts, Middlesex Division on October 26, 2016. Geoffrey MacDonald and Lauren Rowntree now have power over the property and business affairs of the Protected Person, Zachary MacDonald.

3. Attached hereto and incorporated herein are copies of the Decree and Order of Appointment of Conservators and the Letters of Conservatorship for a Protected Person which were issued by the Court.

4. Such appointment is a determination that Zachary MacDonald is a disabled person.

5. Geoffrey MacDonald and Lauren Rowntree, previously named as Proposed Conservators, are now Conservators and proper parties to substitute for plaintiff Zachary MacDonald as they have proper capacity to proceed forward with the products liability lawsuit on his behalf pursuant to Federal Rule of Civil Procedure 25(b) which states that: "If a party becomes incompetent, the court may, on motion, permit the action to be continued by or against the party's representative."

6. By email dated December 27, 2016, defense counsel advised that they have no objection to this motion.

Wherefore, counsel for Plaintiffs request that this court grant this motion for substitution as Plaintiffs in this action, and that the matter continue with the caption to read Plaintiffs, Geoffrey MacDonald and Lauren Rountree as Conservators of Zachary MacDonald.

Dated: December 28, 2016

Respectfully submitted,

/s/ Rosemarie Riddell Bogdan
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CERTIFICATE OF SERVICE

I hereby certify that on December 28, 2016, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

Dated: December 28, 2016

/s/Rosemarie Riddell Bogdan
Rosemarie Riddell Bogdan